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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,481	11/25/2003	Robert P. Arentsen	ITTD-BG101US	5984

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RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER
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PRICE, CRAIG JAMES

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/721,481	Applicant(s) ARENTSEN ET AL.	
	Examiner Craig Price	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/25/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/30/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 200, 202. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because reference designation 206 in Fig. 2D is not appropriate, 206 indicates two objects, one being a slot and one being a surface (206 which points to a surface is suggested to be removed). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 22 - 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 22 recites the limitation, "the flange being freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing". Paragraphs 29-34,36,37,39 in the detailed description discuss using the rotatable flange, but do not specify that when the insert is assembled into the housing, the flange can freely rotate.

Paragraph 29 lines 1-3 states that,

"(0029) Before coupling insert 102 to valve housing 100, the threaded end 103 of insert 102 is slipped through the central hole 115 formed in rotatable flange 106. The diameter of hole 115 is such that it snugly, but rotatably fits on the exterior of the insert."

There is no support within the originally filed specification, for the claim limitation that, "the flange can rotate freely after assembly".

Claim 26 recites the limitation, "the axial thickness of the flange is less than the axial length of the space between the lip and the valve housing whereby the flange is slideable axially along the insert".

There is no support within the originally filed specification, for this limitation.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22,24-26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Rocheleau (2002/0162986).

Regarding claims 22 and 27, Rochleau discloses a quarter turn ball valve (8) including a valve housing (10) having inlet and outlet ports, an insert (16) having a body member including an exterior surface and an internal flow channel (Col.3, Lns.12-14), one end of the insert being coupled to the valve housing so that the internal flow channel communicates with one of the ports, a lip (16) formed on the free end of the body member, the lip being spaced from the valve housing when the insert is assembled to the valve housing, a flange (28) carried on the exterior surface of the insert between the lip and the valve housing, the flange being freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing (Col.2, Lns.5-7), and fastener holes (30) formed in the flange for receiving fasteners that secure the valve assembly in a fluid system, and one end of said body member being fixed to the valve housing so that the exterior surface extends axially from the valve

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housing and the internal axial flow channel communicates with one of the ports and a flange having central opening formed therein of a size and shape complementary to the exterior surface of the insert so that the flange is spaced from the valve housing and freely rotatable on the exterior surface of the insert as shown in figure 6.

Regarding claim 24, Rocheleau discloses that the flange is formed with a mounting hole of a size and shape complementary to and larger than the exterior surface of the insert (Col.3, Lns. 12-14).

Regarding claim 25, Rocheleau discloses that the size of the mounting hole is less than that of the lip (Col. 3, Lns. 12-14) as shown in figure 6 .

Regarding claim 26, Rocheleau discloses that the axial thickness of the flange is less than the axial length of the space between the lip and the valve housing whereby the flange is slideable axially along the insert (prior to complete engagement of the threaded insert into the body, this limitation is met).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocheleau '986 in view of Keller III (3,241,810).

Rocheleau discloses all of the features of the claimed invention, but is silent to the end of the internal axial flow channel adjacent the lip is formed with a polygonal cross-section to accommodate a tool for threadably fixing the insert to the valve body.

Keller discloses a valve, which teaches the use of a polygonal cross-section (21) to accommodate a tool for threadably fixing an item, as shown in figure 2 (Col. 2, Lns. 41-48).

In view of the Keller patent, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the hex shaped cross section of Keller into the insert of Rocheleau to have the end of the internal axial flow channel adjacent the lip is formed with a polygonal cross-section to accommodate a tool for threadably fixing the insert to the valve body in order to adjust the rate of flow of the valve (Col. 2, Lns. 51-55).

Claims 22 and 27 are rejected in an alternative view, under 35 U.S.C. 103(a) as being unpatentable over Rocheleau '986.

Rocheleau teaches all of the features of the claimed invention, but discloses bolts to preclude movement of the rotatable flange.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to remove the bolts so that the flange remains, since it has been held that omission of an element and its function in a combination where the remaining

elements perform the same functions as before involves only routine skill in the art (see MPEP 2144.04).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 22-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM M-R.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP



9 August 2006



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